IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 16TH AUGUST 2006 / 25TH SRAVANA 1928

Bail Appl..No. 4922 of 2006

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CRIME NO. 25/2006 OF EXCISE RANGE, NORTH PARAVUR

PETITIONER/ACCUSED

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BABBY, S/O.KUNJAN BAVA,
EDASSERY, NALUCENT COLONY,
KIZHAKKUMPURAM, CHENDAMANGALAM, PARAVUR.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS: COMPLAINANT

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EXCISE CIRCLE INSPECTOR,
PARAVUR RANGE, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M.JAMES, J.**

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**B.A. 4922/2006**

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**DATED THIS THE 16TH DAY OF AUGUST, 2006**

**O R D E R**

The petitioner was found in illegal possession of ten liters of illicit arrack and a mobile phone. Seeing the Excise Party, he abandoned the mobile phone as well as the contraband and escaped. The Inspector of Excise Range, North Paravur, registered C.R.No.25/2006, under Section 8(1) & 8(2) of the Abkari Act. Hence the petitioner is before this Court, under Section 438 Cr.P.C.

2. The investigation had revealed that the contraband, belonged to the petitioner, and the information leaked out from the mobile phone, reveal the attachment of the petitioner with the alleged crime. In such circumstances, the petitioner is not entitled for an order, under Section 438 Cr.P.C.

3. However, as the petitioner is prepared to surrender before the Investigating Officer, I direct him to do so, surrender before the Inspector of Excise Range,

North Paravur, on 22.8.2006 between 10.00 a.m and 11.00 a.m. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the Judicial Magistrate of First Class, North Paravur. The learned Magistrate shall consider the application for bail, that may be preferred by the petitioner, according to the law and pass orders on the same day itself, on merit.

The application is disposed of as above.

**J.M.JAMES**
**JUDGE**

mrcs